

IN THE DRAWINGS:

Please replace the drawing sheets containing Figs. 2-4 and 5-7, with the attached Replacement Sheets.

**REMARKS**

**STATUS SUMMARY**

Claims 6-8, 14, 37-40 and 44-69 are pending in the present application. Claims 6-8, 14 and 37-40 have been withdrawn from consideration. Claims 44-69 stand rejected. Claims 44, 60, 63 and 67 have been amended herein. Applicant has also made amendments to certain paragraphs of the specification to correct minor errors and/or improve clarity. As to all amendments, no new matter has been added.

Applicant has considered the above-identified Office Action and cited references, and replies as set forth below.

**CLAIM REJECTIONS - 35 U.S.C. § 112**

Claims 44-69 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement for the reasons stated in the above-identified Office Action.

Applicant has addressed this rejection by amending certain claims, paragraphs of the specification, and drawings as indicated above. All amendments are fully supported by the application as originally filed and thus no new matter has been added.

As to claims 44, 55 and 67, the adjustability in the first direction is clearly depicted in the original drawings and accompanying paragraphs of the detailed description. The pressing or pushing of the blade holder onto the blade is illustrated by the sequence of Figures 2-4 and 5-7. The “first direction” clearly corresponds to the arrow originally provided in Figures 2 and 5 as well as Figure 12, which arrow is now labeled (132). The reference surface (84) of the blade

holder, originally pointed out in Figure 13, is now likewise specifically pointed out in Figures 2 and 5. The distance between the reference surface (84) and the cutting edge (40) of the blade, which distance is adjustable through assembly of the blade holder onto the blade as originally described, is now specifically indicated by an arrow (134). The positional relationships between the cutting edge, rear edge and side edges of the blade are clear from the top views of Figures 2, 5 and 12 as originally filed. Nonetheless, to add clarity, the distance between the cutting edge and the rear edge of the blade, which distance is clearly along the first direction (132), is now specifically indicated by an arrow (122) in Figure 2. The distance between the side edges of the blade is now specifically indicated by another arrow (124) in Figure 2.

As to claims 46 and 57, the recited first inside edge, second inside edge and third inside edge of the notch formed in the rear edge of the blade are clearly shown in the top views of Figures 2, 5 and 12 as originally filed. Reference numerals have now been added to these features (126, 128 and 130) in Figures 2 and 5 to add clarity.

As to claim 60, Applicant has deleted the word “thickness” as indicated above.

As to claim 63, Figures 5 and 7 as originally filed show the recited structural features. To add clarity, reference numerals have now been added (142, 144 and 146).

In view of the foregoing, Applicant respectfully submits that claims 44-69 comply with 35 U.S.C. § 112, first paragraph. Therefore, Applicant respectfully requests that the rejections under 35 U.S.C. § 112, first paragraph, be withdrawn.

Finally, Applicant notes that claims 46, 48, 50-52, 57-59, 63, 65 and 67 were rejected on the foregoing § 112-based grounds only. No prior art-based rejections were applied to claims 46, 48, 50-52, 57-59, 63, 65 and 67.

CLAIM REJECTIONS - 35 U.S.C. § 102

Claims 44, 45, 47, 49, 53-56, 60-62, 64, 66 and 68-69 are rejected under 35 U.S.C. § 102(e) as being anticipated by Dybbs (U.S. Patent No. 6,228,099).

Independent claim 44 has been amended to clarify the structural interaction between the recited blade and blade holder, as follows: “a blade holder including a blade holder reference surface generally facing toward the cutting edge,” and “the blade holder frictionally engaging the rear edge and movable relative to the rear edge by an amount adjustable along the first direction, wherein the blade holder reference surface is positioned at an adjustable distance from the cutting edge along the first direction.” Claim 44 as recited is directed to a blade assembly that is structured so as to enable calibration of the distance between the blade holder reference surface and the cutting edge in a manner not found in the prior art. Applicant’s specification at p. 7, lines 1-15 notes an advantage of this invention as follows:

In general the present invention includes a blade assembly that can be assembled into a microkeratome which is used to cut a cornea. The blade assembly is constructed in a manner that minimizes the tolerance of the cutting depth into the cornea. The blade assembly includes a blade holder that can be pressed onto a blade. The relative position of the blade holder can be calibrated to control the distance between a reference surface of the blade holder and the cutting edge of the blade. This distance defines the cutting depth of the blade. The blade holder is coupled to the blade with an interference fit that both secures the holder while providing for calibration of the assembly.

Applicant’s specification at page 10, lines 4-14, as amended herein to add clarity, provides an example as follows:

Referring to Figure 2, the blade holder 36 can be assembled onto the blade 38 by pushing the blade holder 36 into the notch 50 as indicated by an arrow 132, so that the edge of the notch 50 extends into the groove 52 (Figure 3) of the side

of the blade holder 36. The front side of the blade holder 36 generally facing the cutting edge 40 includes a reference surface 84 (see also Figure 13) that may generally adjoin the top surface 53 (Figure 3). When the blade assembly 10 is installed in the blade cavity 42 of a cutting head assembly 18 such as illustrated by example in Figure 1, the reference surface 84 of the blade holder 36 abuts against a corresponding reference surface 86 of the cutting head assembly 18 (such as may be located in or provided as an inside surface of the blade assembly cavity 42 shown in Figure 1). As noted previously, the distance between the reference surface 84 of the blade holder 36 and the cutting edge 40 of the blade 38 dictates the cutting depth of the blade 38. In Figure 2, this distance is indicated by an arrow 134. It can be seen that this distance 134 may be adjusted, and the cutting depth thereby controlled or selected, during the assembly of the blade assembly 10. That is, in the present example the distance 134 may be adjusted by how far the blade holder 36 is pushed into the notch 50 of the blade 38 along the direction 132.

The amendments made herein to the specification and Figure 2 clarify that the recited “first direction” and “second direction” lie in the plane of the blade, and that the blade holder is engaged with the blade such that the blade holder is movable in the first direction. Moreover, the blade holder includes a reference surface that faces the cutting edge of the blade. Accordingly, the distance from the reference surface of the blade holder to the cutting edge is adjustable due to the movable engagement of the blade holder with the blade in the first direction.

Figure 2 and the accompanying paragraphs on page 9, lines 9-16 and page 10, lines 4-14, as amended for clarification, provide an example of an implementation of the invention recited in claim 44. Referring to amended Figure 2, the cutting edge (40) and rear edge (44) of the blade (38) are spaced from each other along the first direction (122). The side edges (46) of the blade (38) are spaced from each other along the second direction (124). The first direction (122) corresponds to the direction (132) along which the blade holder (36) is moved into engagement with the blade (38). The front side of the blade holder (36) includes a reference surface (84) that generally faces toward the cutting edge (40) of the blade (38), as also shown in the side view of

Figure 13 as originally filed. The distance along the first direction (122 or 132) from the reference surface (84) to the cutting edge (40) is indicated by the arrow (134) in Figure 2. It can be seen that the structure of the blade assembly (10) illustrated in Figure 2 enables this distance (134) to be adjustable, which in turn enables the depth of cutting to be adjusted as noted above and described in the specification as originally filed.

Dybbs fails to teach or suggest the blade assembly recited in claim 44. Applicant herein incorporates Applicant's response in the Reply filed October 19, 2007. Referring to Figures 3, 4 and 14 of Dybbs, Dybbs teaches sandwiching a blade (98) between a blade holder (96) and a wedge (100). A bottom protrusion (120) of the blade holder (96) is inserted through an opening (122) of the blade (98) with a close tolerance, and into a corresponding opening of the wedge (100). The direction of insertion is perpendicular to the plane in which the blade (98) lies. Referring additionally to Figures 7 and 9 of Dybbs, the wedge (100) locks both the blade holder (96) and blade (98) in place by press-fitting posts (128) of the wedge (100) into corresponding holes (130) of the cutting head (94). *See* Dybbs, col. 9, lines 19-21; col. 9, lines 35-45; and col. 9, line 64 to col. 10, line 4.

Consequently, it is not possible in Dybbs for the blade (98) and the blade holder (96) to move relative to each other along the first direction, which as defined by claim 44 is the direction from the rear edge of Dybbs' blade (98) to its cutting edge (102). It is not possible for the relative positions of the blade (98) and the blade holder (96) to be adjusted in any direction lying in the plane of the blade (98). Dybbs fails to teach any structural relation between the blade (98) and the blade holder (96) that is adjustable. Dybbs fails to teach any means or structure for

providing calibration of the distance between any part of the blade holder (96) or wedge (100) and the cutting edge (102) of the blade (98).

For the foregoing reasons, Applicant respectfully submits that claim 44 does not read on Dybbs.

Independent claim 55 does not read on Dybbs for at least the same reasons set forth above regarding claim 44.

Independent claim 60 recites “a finger extending outwardly from the rear edge [of the blade] in a direction way from the cutting edge [of the blade], and that the “finger extends into the slot [of the blade holder]. Dybbs fails to teach or suggest these features, and the Examiner has not specifically pointed to any teaching in Dybbs of a finger oriented relative to the blade and its cutting edge in the manner recited in claim 60. Accordingly, claim 60 does not read on Dybbs.

Claims 45, 47, 49, 53-54, 56, 61-62, 64, 66 and 68-69 depend directly or indirectly from independent claims 44, 55 or 60, and therefore are patentable at least for the same reasons as set forth above.

In view of the foregoing, Applicant respectfully submits that claims 44, 45, 47, 49, 53-56, 60-62, 64, 66 and 68-69 are patentable over Dybbs. Therefore, Applicant respectfully requests that the rejection to these claims under 35 U.S.C. § 102(e) be withdrawn.

**CONCLUSION**

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Office Action.

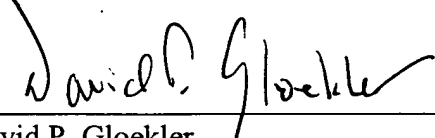
Although it is believed that the appropriate fees are submitted with this transmittal, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to our Deposit Account No. 50-2542.

Respectfully submitted,

THE ECLIPSE GROUP LLP

Date: July 3, 2008

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